IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4164 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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ANUBHA JANUBHA ZALA

Versus

NAKHTRANA TALUKA PANCHAYAT

Appearance:

1. Special Civil Application No. 4164 of 2002

MR TR MISHRA for Petitioner No. 1

MR HS MUNSHAW for Respondent No. 1

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 20/08/2002

ORAL JUDGEMENT

Rule. Mr Munshaw waives service of Rule for the respondent - Nakhatrana Taluka Panchayat.

2. The petitioner was a driver employed by the

respondent- Taluka Panchayat. The petitioner's services were terminated on 10-12-1989. The petitioner raised an industrial dispute which ultimately was transferred to Labour Court, Bhuj and renumbered as Reference (LCG) No.183 of 1996. By award passed by the Labour Court, Bhuj in December, 1997, the respondent- Panchayat was directed to reinstate the petitioner in service with full backwages. The respondent- Panchayat challenged the said award before the learned Single Judge of this Court in Special Civil Application No.5078 of 1998 which was dismissed a copy whereof is annexed to the petition at Annexure "A". The Letters Patent Appeal No.640 of 2001 filed by the respondent Panchayat also came to be dismissed by order dated 18-7-2001 of this Court which is at Annexure "B" to the petition. In spite of the aforesaid orders of this Court confirming the award of the Labour Court, the respondent Panchayat did not implement the award. Hence, the petitioner filed the present petition.

3. At the hearing of this petition today, Mr Munshaw, learned counsel for the respondent- Panchayat produces a copy of the order dated 10th June, 2002 reinstating the petitioner in service as a rojamdar Driver and states that pursuant to the said order, the petitioner has joined service on 17-6-2002.

A copy of the order is taken on record.

4. As far as compliance with the direction for payment of backwages is concerned, the respondent Panchayat has no defence in view of the dismissal of the petition and the Letters Patent Appeal. Mr Munshaw states that the respondent- Panchayat was consulting the higher authorities regarding the said aspect. However, since the award of the Labour Court has become final, the respondent- Panchayat shall have to implement the award regarding backwages also.

5. In view of the above discussion, this petition is allowed. The respondent- Panchayat is directed to comply with the award of the Labour Court in Reference (LCG) No.183 of 1996 regarding backwages by 30th October, 2002.

Rule is made absolute.

The writ of this Court shall be sent to the respondent forthwith.

(M.S. Shah,J)

zgs/-